

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jacon GUTH *et al.*

Title: **METHOD FOR THE PREPARATION
OF COSMETIC EMULSION**

Appl. No.: 10/596,116

Int'l Filing Date: 4/4/2005

371(c) Date: 3/4/2008

Examiner: Ivan A. Greene

Art Unit: 1619

Confirmation No.: 2271

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

This paper follows the PTO's Examiner Interview Summary mailed December 19, 2011, summarizing an applicant-initiated telephone interview conducted on December 15, 2011, regarding the captioned case. In accordance with 37 C.F.R. § 1.133, applicants submit a timely interview summary within one (1) month from December 19, 2011.

Applicants thank Examiners Greene and Woodward for the helpful discussions during the December 15th interview. As Examiner Greene's interview summary reflects, the cited references of record were discussed. During this discussion Examiner Greene explained his position, namely, that the references disclose a "*de minimis*" amount of oil bodies and that the instant claims do not specify oil body amount or percentage.

With an eye towards advancing prosecution, Examiner Greene proposed three claim revisions: (1) delete the parentheses surrounding “oleosomes” and delete “discrete spheres of vegetable bodies”; (2) amend “washed oil bodies” to recite a method step, “washing oil bodies”; and (3) recite a specific percentage or amount of oleosomes in the composition.

Applicants and Examiner Greene briefly discussed the scope of an “emulsifier,” as recited in a dependent claim. The examiner explained his position that the art presents many emulsifiers and, from his perspective, that the skilled artisan would not have apprehended the metes and bounds of an “emulsifier” category encompassing them.

Because applicants recently filed an RCE, Examiner Greene agreed to postpone action until January 31, 2012. Applicants intend to submit a Supplemental Amendment before then.

Respectfully submitted,

Date January 18, 2012

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